

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**BCS SOFTWARE, LLC,**

Plaintiff

v.

**BMC SOFTWARE, INC,**

Defendant

**Case No. 6:20-cv-00787**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff BCS Software, LLC (“Plaintiff” or “BCS”) hereby asserts the following claims for patent infringement against BMC Software, Inc. (“Defendant” or “BMC”), and alleges, on information and belief, as follows:

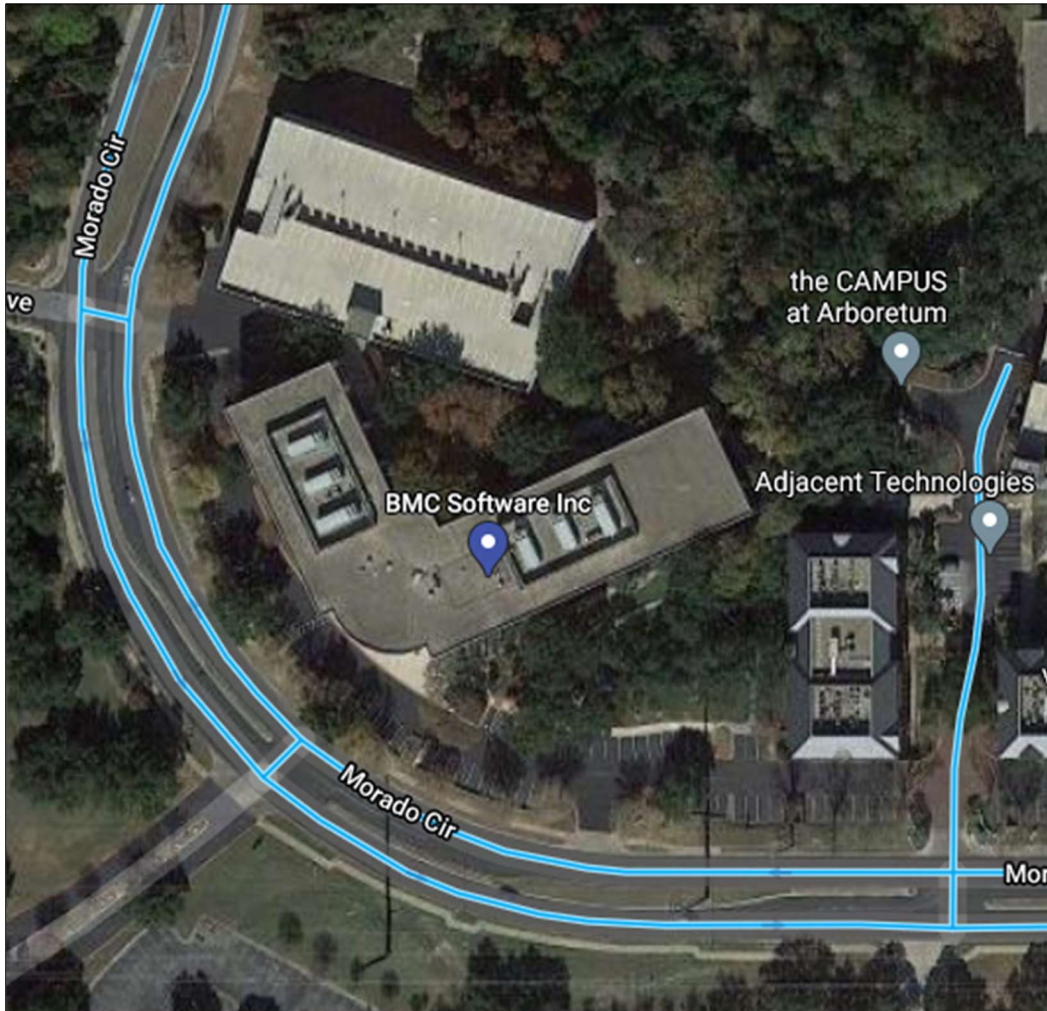
**THE PARTIES**

1. BCS Software, LLC is a limited liability company organized and existing under the laws of the Texas with its principal place of business in Waco, Texas.
2. On information and belief, BMC Software, Inc. is a corporation organized and existing under the laws of Delaware, with a regular and established place of business located at 10431 Morado Circle, 5-100, Austin, Texas 78759. BMC may be served through its designated agent for service of process, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas, 75201.

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, 35 U.S.C. § 1, *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Defendant has committed acts of infringement in this judicial district.
5. On information and belief, Defendant has a regular and established place of business in this judicial district at 14231 Tandam Blvd, Austin, Texas 78728.





**Travis CAD** Property Search Map Search

**Property Search > 392087 BMC SOFTWARE INC for Year 2020** Tax Year: 2020 New Search

Details Expand All

*Click on a title bar to expand or collapse the information.*

**Property**

**Account**

Property ID:	392087	Legal Description:	PERSONAL PROPERTY COMMERCIAL BMC SOFTWARE INC
Geographic ID:		Zoning:	
Type:	Personal	Agent Code:	1643291
Property Use Code:			
Property Use Description:			

**Protest**

Protest Status:	
Informal Date:	
Formal Date:	

**Location**

Address:	10431 MORADO CIR 5-100 AUSTIN, TX 78759	Mapsc0:	
Neighborhood:		Map ID:	
Neighborhood CD:			

**Owner**

Name:	BMC SOFTWARE INC	Owner ID:	534432
Mailing Address:	2101 CITYWEST BLVD STE A HOUSTON, TX 77042-2829	% Ownership:	100.000000000000%

6. On information and belief, the Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in the state of Texas, has conducted business in the state of Texas, and/or has engaged in continuous and systematic activities in the state of Texas.

7. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Western District of Texas.

8. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. § 1400(b).

**U.S. PATENT NO. 6,662,179**

9. BCS is the owner, by assignment, of U.S. Patent No. 6,662,179 (“the ’179 Patent”), entitled RELATIONAL DATABASE METHOD FOR ACCESSING INFORMATION USEFUL FOR THE MANUFACTURE OF, TO INTERCONNECT NODES IN, TO REPAIR AND TO MANTAIN PRODUCT AND SYSTEM UNITS, which issued on December 9, 2003. A copy of the ’179 Patent is attached as **Exhibit PX-179**.

10. The ’179 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

**U.S. PATENT NO. 7,774,296**

11. BCS is the owner, by assignment, of U.S. Patent No. 7,774,296 (“the ’296 Patent”), entitled RELATIONAL DATABASE METHOD FOR ACCESSING INFORMATION USEFUL FOR THE MANUFACTURE OF, TO INTERCONNECT NODES IN, TO REPAIR AND TO MANTAIN PRODUCT AND SYSTEM UNITS, which issued on April 10, 2010. A copy of the ’296 Patent is attached as **Exhibit PX-296**.

12. The ’296 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

**U.S. PATENT NO. 6,438,535**

13. BCS is the owner, by assignment, of U.S. Patent No. 6,438,535 (“the ’535 Patent”), entitled RELATIONAL DATABASE METHOD FOR ACCESSING INFORMATION USEFUL FOR THE MANUFACTURE OF, TO INTERCONNECT NODES IN, TO REPAIR AND TO MANTAIN PRODUCT AND SYSTEM UNITS, which issued on April 20, 2002. A copy of the ’535 Patent is attached as **Exhibit PX-535**.

14. The '535 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

### **NOTICE OF BCS' PATENTS**

15. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,240,421 (the "421 Patent"), entitled "System, software and apparatus for organizing, storing and retrieving information from a computer database," which issued on May 29, 2001. A copy of the '421 Patent is available at <https://patents.google.com/patent/US6240421B1/en?q=6240421>.

16. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,421,821 (the "821 Patent"), entitled "Flow chart-based programming method and system for object-oriented languages," which issued on July 16, 2002. A copy of the '821 Patent is available at <https://patents.google.com/patent/US6421821B1/en?q=6421821>.

17. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,658,377 (the "377 Patent"), entitled "Method and system for text analysis based on the tagging, processing, and/or reformatting of the input text," which issued on December 2, 2003. A copy of the '377 Patent is available at <https://patents.google.com/patent/US6658377B1/en?q=6658377>.

18. Plaintiff is the owner, by assignment, of U.S. Patent No. 6,895,502 (the "502 Patent"), entitled "Method and system for securely displaying and confirming request to perform operation on host computer," which issued on May 17, 2005. A copy of the '502 Patent is available at <https://patents.google.com/patent/US6895502B1/en?q=6895502>.

19. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,200,760 (the "760 Patent"), entitled "System for persistently encrypting critical software data to control the

operation of an executable software program,” which issued on April 3, 2007. A copy of the ’760 Patent is available at <https://patents.google.com/patent/US7200760B2/en?q=7200760>.

20. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,302,612 (the “612 Patent”), entitled “High level operational support system,” which issued on November 27, 2007. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7302612B2/en?q=7302612>.

21. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,533,301 (the “301 Patent”), entitled “High level operational support system,” which issued on May 12, 2009. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7533301B2/en?q=7533301>.

22. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,730,129 (the “129 Patent”), entitled “Collaborative communication platforms,” which issued on June 1, 2010. A copy of the ’129 Patent is available at <https://patents.google.com/patent/US7730129B2/en?q=7730129>.

23. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,840,893 (the “893 Patent”), entitled “Display and manipulation of web page-based search results,” which issued on November 23, 2010. A copy of the ’893 Patent is available at <https://patents.google.com/patent/US7840893B2/en?q=7840893>.

24. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,895,282 (the “282 Patent”), entitled “Internal electronic mail system and method for the same,” which issued on February 22, 2011. A copy of the ’282 Patent is available at <https://patents.google.com/patent/US7895282B1/en?q=7895282>.

25. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,890,809 (the “809 Patent”), entitled “High level operational support system,” which issued on February 15, 2011. A copy of the ’809 Patent is available at <https://patents.google.com/patent/US7890809B2/en?q=7890809>.

26. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,464 (the “464 Patent”), entitled “Method and system for providing a user directory,” which issued on August 9, 2011. A copy of the ’464 Patent is available at <https://patents.google.com/patent/US7996464B1/en?q=7996464>.

27. Plaintiff is the owner, by assignment, of U.S. Patent No. 7,996,469 (the “469 Patent”), entitled “Method and system for sharing files over networks,” which issued on August 9, 2011. A copy of the ’469 Patent is available at <https://patents.google.com/patent/US7996469B1/en?q=7996469>.

28. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,171,081 (the “081 Patent”), entitled “Internal electronic mail within a collaborative communication system,” which issued on May 1, 2012. A copy of the ’081 Patent is available at <https://patents.google.com/patent/US8171081B1/en?q=8171081>.

29. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,176,123 (the “123 Patent”), entitled “Collaborative communication platforms,” which issued on May 8, 2012. A copy of the ’123 Patent is available at <https://patents.google.com/patent/US8176123B1/en?q=8176123>.

30. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,285,788 (the “788 Patent”), entitled “Techniques for sharing files within a collaborative communication



system,” which issued on October 9, 2012. A copy of the ’788 Patent is available at <https://patents.google.com/patent/US8285788B1/en?q=8285788>.

31. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,554,838 (the “838 Patent”), entitled “Collaborative communication platforms,” which issued on October 8, 2013. A copy of the ’838 Patent is available at <https://patents.google.com/patent/US8554838B1/en?q=8554838>.

32. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,819,120 (the “120 Patent”), entitled “Method and system for group communications,” which issued on August 26, 2014. A copy of the ’120 Patent is available at <https://patents.google.com/patent/US8819120B1/en?q=8819120>.

33. Plaintiff is the owner, by assignment, of U.S. Patent No. 8,984,063 (the “063 Patent”), entitled “Techniques for providing a user directory for communication within a communication system,” which issued on March 17, 2015. A copy of the ’063 Patent is available at <https://patents.google.com/patent/US8984063B1/en?q=8984063>.

34. Plaintiff is the owner, by assignment, of U.S. Patent No. 9,396,456 (the “456 Patent”), entitled “Method and system for forming groups in collaborative communication system,” which issued on July 19, 2016. A copy of the ’456 Patent is available at <https://patents.google.com/patent/US9396456B1/en?q=9396456>.

### **DEFENDANT’S PRODUCTS**

35. Upon information and belief, Defendant makes, uses, imports, sells, and/or offers for sale the BMC Remedy Asset Management (the “Accused Product”).

36. According to BMC, “the Remedy Asset Management application enables IT professionals to track and manage enterprise configuration items (CIs) — and their



changing relationships — throughout the entire asset life cycle. Remedy Asset Management tracks contracts, financial costs, software licenses, outage indicators, and more for the CI information stored within the BMC CMDB application. Remedy Asset Management is integrated with the other applications in the Remedy ITSM Suite and BMC Helix ITSM service and offers flexibility to support customized business processes.”

<https://docs.bmc.com/docs/asset91/home-609064756.html>.

37. The Accused Product is further described and exemplified by the following references:

- Asset Management for BMC Remedy, part 1 (“Asset Management”), available at <https://www.youtube.com/watch?v=sapBEflWrPo>
- BMC® Best Practice Process Flows for Asset Management and ITIL Configuration Management (“Best Practice Process Flows for Asset Management”), available at [http://peningo.com/downloads/bmc\\_am\\_best\\_practices.pdf](http://peningo.com/downloads/bmc_am_best_practices.pdf)
- BMC Atrium CMDB Solution Profile (“BMC Atrium CMDB”), available at [https://performiq.com/kb/images/EMA\\_BMC-Atrium\\_CMDB\\_SCP.pdf](https://performiq.com/kb/images/EMA_BMC-Atrium_CMDB_SCP.pdf)
- BMC Remedy Asset Management 7.5.00 User’s Guide (“BMC Remedy Asset Management 7.5.00”), available at <https://communities.bmc.com/servlet/JiveServlet/previewBody/8883-102-1-13545/AM-User-7500.pdf>
- Step-by-Step Guide to Building A CMDB (“Building A CMDB”), available at <https://www.itconcepts.ch/wp-content/uploads/pdf/bmc/cmdb/Step-by-Step-Guide-to-Building-a-CMDB.pdf>
- CMDB (configuration management database) (“CMDB”), available at <https://searchdatacenter.techtarget.com/definition/configuration-management-database>
- CMDB Architecture (“CMDB Architecture”), available at <https://docs.bmc.com/docs/ac1902/cmdb-architecture-871466870.html>
- CMDB Reports (“CMDB Reports”), available at <https://docs.bmc.com/docs/display/public/BABSM8100/CMDB+reports>

- Lifecycle Audits Log for Computer System Assets (“Computer System Assets”), available at <https://communities.bmc.com/thread/190717>
- BMC® Remedy® IT Service Management 7.0 Configuration Guide (“Configuration Guide”), available at [https://docuri.com/download/itsm-config-guide-700\\_59a8d655f581719e12ad9632\\_pdf](https://docuri.com/download/itsm-config-guide-700_59a8d655f581719e12ad9632_pdf)
- BMC unveils configuration management database (“Configuration Management Database”), available at <https://www.computerworld.com/article/2568765/bmc-unveils-configuration-management-database.html>
- Creating CI and relationship class attributes (“Creating CI”), available at <https://docs.bmc.com/docs/ac91/creating-ci-and-relationship-class-attributes-609846039.html>
- Creating locations (“Creating Locations”), available at <https://docs.bmc.com/docs/itsm91/creating-locations-608491219.html>
- Viewing the asset management dashboard and reports (“Dashboard and Reports”), available at <https://docs.bmc.com/docs/remedyforce/201802/en/viewing-the-asset-management-dashboard-and-reports-801357247.html>
- BMC Remedy Service Desk: Incident Management User Guide (“Incident Management User Guide”), available at <http://klsiconsulting.com/blog/wp-content/uploads/2011/09/174271-IM-User-Guide.pdf>
- Cannot relate custom class CI's with ITSM applications (“ITSM applications”), available at <https://communities.bmc.com/thread/82665>
- BMC® Best Practice Process Flows for Asset Management and ITIL Configuration Management (“ITIL Configuration Management”), available at <http://docshare01.docshare.tips/files/23763/237636314.pdf>
- Managing Locations (“Managing Locations”), available at <https://docs.bmc.com/docs/remforce201601/en/managing-locations-614648650.html>
- Managing relationships between an asset and other CMDB instances (“Managing Relationships”), available at <https://docs.bmc.com/docs/remforce201701/en/using/asset-and-ci-management/asset-management/managing-relationships-between-an-asset-and-other-cmdb-instances>

- Mapping deprecated classes and attributes (“Mapping deprecated classes and attributes”), available at <https://docs.bmc.com/docs/ac1805/mapping-deprecated-classes-and-attributes-908971249.html>
- Planning what data to store in the CMDB (“Planning data to store in the CMDB”), available at <https://docs.bmc.com/docs/ac1902/planning-what-data-to-store-in-the-cmdb-908968903.html>
- Remedy Asset Management People Roles (“Remedy Asset Management People Roles”), available at <https://communities.bmc.com/message/434523#434523>
- BMC® Remedy® Service Desk: Incident Management 7.0 User Guide (“Service Desk: Incident Management”), available at <http://docshare04.docshare.tips/files/4847/48479578.pdf>
- Setting configuration options for normalizing data (“Setting Configuration Options”), available at <https://docs.bmc.com/docs/asset81/setting-configuration-options-for-normalizing-data-224298439.html>
- Understanding the sandbox and production datasets (“Understanding the sandbox”), available at [https://bmc-web-test.cc.swin.edu.au/help/AssetManagement/en/shared/lp8\\_8\\_0/c\\_itsm\\_adm\\_understand\\_the\\_sandbox\\_and\\_prod\\_62400\\_516.html](https://bmc-web-test.cc.swin.edu.au/help/AssetManagement/en/shared/lp8_8_0/c_itsm_adm_understand_the_sandbox_and_prod_62400_516.html)
- BMC Remedy Asset Management User Guide (“User Guide”), available at <http://docshare01.docshare.tips/files/22924/229244438.pdf>

38. The information contained in the references identified in paragraph 37 is incorporated by reference as if set forth fully herein.

39. The information contained in the references identified in paragraph 37 accurately describes the operation and functionality of the Accused Product.

**COUNT I**  
**(Infringement of U.S. Patent No. 6,662,179)**

40. BCS incorporates paragraphs 1-39 herein by reference.

41. Defendant has been on notice of the '179 Patent at least as early as the date it received service of this complaint.

42. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 1, of the '179 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product.

43. Defendant, with knowledge of the '179 Patent, infringes the '809 Patent by inducing others to infringe the '179 Patent. In particular, Defendant intends to induce its customers to infringe the '179 Patent by encouraging its customers to use the Accused Product.

44. Defendant also induces others, including its customers, to infringe the '179 Patent by providing technical support for the use of the Accused Product.

45. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Product in accordance with an end user license agreement.

46. Claim 1 of the '179 Patent recites:

1. A method of using a relational database, to record and retrieve configuration information on a unit of manufacture comprising, at least one each of a parts information lookup table, a location information lookup table, a unit storage table, and a pair of configuration management storage tables, wherein said pair of configuration management storage tables are linked together, and one of said configuration management storage tables of said pair of linked configuration management storage tables is a configuration management status table and the other is a configuration management memo table;

comprising accessing both of said linked configuration management storage tables by using a first index key, which defines a group of configuration management records for a part definition, location definition, or unit definition, and a second configuration management index key which defines the current configuration management records for a part definition, location definition, or unit location wherein:

(a) said location information lookup tables provide a list of available

locations to place a part in a unit of manufacture, and further comprise a location definition lookup table, and

(b) said parts information lookup tables provide a catalog of parts and further comprise a parts list lookup table used to identify each part, and

(c) a set of parameter information lookup tables related to said parts list lookup table for defining any number of parameters of information unique to each part, comprised of a parameter definition lookup table defining a list of said parameters for each part, which is related to a parameter list lookup table which defines a list of parameters that may be associated with any part in said parts list table; and

(d) said unit storage tables provide the configuration of a unit of manufacture comprising:

(i) a unit definition storage table, which is related to said location information lookup table to identify a specific unit of manufacture, and

(ii) a unit parts list storage table, which is related to one or more of said parts in said parts list information lookup tables to provide a list of parts for each said unit of manufacture, where each part in said unit parts list storage table is assigned a location from said location definition lookup table, and

(iii) a unit parameter list storage table, which is used to record configuration parameter values for each part in said unit of manufacture, which is related to both said unit parts list storage table and said parameter definition lookup table.

47. With the Accused Product, Defendant performs a method of using a relational database, to record and retrieve configuration information on a unit of manufacture comprising, at least one each of a parts information lookup table, a location information lookup table, a unit storage table, and a pair of configuration management storage tables, wherein said pair of configuration management storage tables are linked together, and one of said configuration

management storage tables of said pair of linked configuration management storage tables is a configuration management status table and the other is a configuration management memo table.

48. With the Accused Product, Defendant performs a method of using a relational database, comprising accessing both of said linked configuration management storage tables by using a first index key, which defines a group of configuration management records for a part definition, location definition, or unit definition, and a second configuration management index key which defines the current configuration management records for a part definition, location definition, or unit location.

49. Wherein, with the performance of Defendant using the Accused Product, said location information lookup tables provide a list of available locations to place a part in a unit of manufacture, and further comprise a location definition lookup table.

50. Wherein, with the performance of Defendant using the Accused Product, said parts information lookup tables provide a catalog of parts and further comprise a parts list lookup table used to identify each part.

51. Wherein, with the performance of Defendant using the Accused Product, a set of parameter information lookup tables related to said parts list lookup table for defining any number of parameters of information unique to each part, comprised of a parameter definition lookup table defining a list of said parameters for each part, which is related to a parameter list lookup table which defines a list of parameters that may be associated with any part in said parts list table.

52. Wherein, with the performance of Defendant using the Accused Product, said unit storage tables provide the configuration of a unit of manufacture comprising a unit definition storage table, which is related to said location information lookup table to identify a specific unit of manufacture, and a unit parts list storage table, which is related to one or more of said parts in said parts list

information lookup tables to provide a list of parts for each said unit of manufacture, where each part in said unit parts list storage table is assigned a location from said location definition lookup table, and a unit parameter list storage table, which is used to record configuration parameter values for each part in said unit of manufacture, which is related to both said unit parts list storage table and said parameter definition lookup table.

53. BCS has been damaged by Defendant's infringement of the '179 Patent.

**COUNT II**  
**(Infringement of U.S. Patent No. 7,774,296)**

54. BCS incorporates paragraphs 1-39 herein by reference.

55. Defendant has been on notice of the '296 Patent at least as early as the date it received service of this complaint.

56. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 1, of the '296 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product.

57. Defendant, with knowledge of the '296 Patent, infringes the '296 Patent by inducing others to infringe the '296 Patent. In particular, Defendant intends to induce its customers to infringe the '296 Patent by encouraging its customers to use the Accused Product.

58. Defendant also induces others, including its customers, to infringe the '296 Patent by providing technical support for the use of the Accused Product.

59. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Product in accordance with an end user license agreement.

60. Claim 1 of the '296 Patent recites:

1. A method for retrieving data in a relational database, comprising:



accessing by using a computer system the relational database to obtain information regarding a unit of manufacture, the relational database comprising at least one location information lookup table, at least one parts information lookup table, at least one unit storage table, and at least one parameter definition lookup table;

retrieving information on the unit of manufacture from at least a portion of the relational database;

wherein said at least one location information lookup table of the relational database comprises:

a list of available locations in the unit of manufacture to place a part from the at least one parts information lookup table; and

information indicating, for each location of a plurality of available locations in the unit of manufacture, whether the location is required to be populated by a part corresponding to an entry in said at least one parts information lookup table;

wherein said at least one parts information lookup table comprises entries for a plurality of parts usable in different types of units of manufactures; and

wherein said at least one unit storage table of the relational database specifies a configuration of the unit of manufacture and comprises:

a unit parts list storage table containing information indicating a list of parts for the unit of manufacture, and further containing, for each part in the list of parts, information usable to determine at least one location within the unit of manufacture at that part is placed; and

a unit parameter list storage table containing information regarding one or more values for one or more parameters of one or more parts in the unit parts list storage table, wherein the one or more parameters are adjustable settings for the one or more parts;

assigning one or more default values to the one or more parameters, wherein the one or more default values are predefined values specified by one or more entries for the one or more parts in the parameter definition lookup table of the relational database; and

subsequently modifying one or more values for the one or more parameters,

wherein said modifying does not affect the predefined values specified by the parameter definition lookup table;

wherein the relational database further comprises an interface definition lookup table that defines interfaces for a plurality of parts in the parts information lookup table, wherein the interfaces are potential locations for electrical or mechanical connections between parts; and

wherein the relational database further comprises a parameter list lookup table and a parameter description look up table that are usable to access information indicating multiple pre-defined configurations of a part listed in the unit parts list storage table.

61. With the Accused Product, Defendant performs a method for retrieving data in a relational database.

62. With the Accused Product, Defendant performs the operation of accessing by using a computer system the relational database to obtain information regarding a unit of manufacture, the relational database comprising at least one location information lookup table, at least one parts information lookup table, at least one unit storage table, and at least one parameter definition lookup table.

63. With the Accused Product, Defendant performs the operation of retrieving information on the unit of manufacture from at least a portion of the relational database.

64. Wherein, with the performance of Defendant using the Accused Product, said at least one location information lookup table of the relational database comprises a list of available locations in the unit of manufacture to place a part from the at least one parts information lookup table.

65. Wherein, with the performance of Defendant using the Accused Product, said information indicating, for each location of a plurality of available locations in the unit of

manufacture, whether the location is required to be populated by a part corresponding to an entry in said at least one parts information lookup table.

66. Wherein, with the performance of Defendant using the Accused Product, said at least one parts information lookup table comprises entries for a plurality of parts usable in different types of units of manufactures.

67. Wherein, with the performance of Defendant using the Accused Product, said at least one unit storage table of the relational database specifies a configuration of the unit of manufacture and comprises a unit parts list storage table containing information indicating a list of parts for the unit of manufacture, and further containing, for each part in the list of parts, information usable to determine at least one location within the unit of manufacture at that part is placed; and a unit parameter list storage table containing information regarding one or more values for one or more parameters of one or more parts in the unit parts list storage table, wherein the one or more parameters are adjustable settings for the one or more parts; assigning one or more default values to the one or more parameters, wherein the one or more default values are predefined values specified by one or more entries for the one or more parts in the parameter definition lookup table of the relational database; and subsequently modifying one or more values for the one or more parameters, wherein said modifying does not affect the predefined values specified by the parameter definition lookup table; wherein the relational database further comprises an interface definition lookup table that defines interfaces for a plurality of parts in the parts information lookup table, wherein the interfaces are potential locations for electrical or mechanical connections between parts; and wherein the relational database further comprises a parameter list lookup table and

a parameter description look up table that are usable to access information indicating multiple pre-defined configurations of a part listed in the unit parts list storage table.

68. BCS has been damaged by Defendant's infringement of the '296 Patent.

**COUNT III**  
**(Infringement of U.S. Patent No. 6,438,535)**

69. BCS incorporates paragraphs 1-39 herein by reference.

70. Defendant has been on notice of the '535 Patent at least as early as the date it received service of this complaint.

71. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 1, of the '535 Patent by making, using, importing, selling, and/or, offering for sale the Accused Product.

72. Defendant, with knowledge of the '535 Patent, infringes the '535 Patent by inducing others to infringe the '535 Patent. In particular, Defendant intends to induce its customers to infringe the '535 Patent by encouraging its customers to use the Accused Product.

73. Defendant also induces others, including its customers, to infringe the '535 Patent by providing technical support for the use of the Accused Product.

74. Upon information and belief, at all times Defendant owns and controls the operation of the Accused Product in accordance with an end user license agreement.

75. Claim 35 of the '535 Patent recites:

35. A method of assembling information contained in a relational database concerning a plurality of units, each of which may exist in different configurations from which reports may be generated, wherein said database comprises a parts list lookup table that contains parts list information, at least one additional first lookup table that contains configuration parameters information for a plurality of

different configurations of said units, and a unit parts list storage table that contains reference descriptor locations information for said parts comprising accessing said parts list information, configuration parameter information and reference descriptor locations information from the respective table and, a pair of configuration management storage table, wherein said pair of configuration management storage tables are linked together, one of said configuration management storage tables of said pair of linked configuration management storage tables being a configuration management status table and the other being a configuration management memo table comprising;

accessing both of said linked configuration management storage tables by using a first index key, which defines a group of configuration management records for a part definition, location definition or unit definition, and a second configuration management index key which defines the current configuration management records for a part definition, location definition, or unit location; and

accessing said parts list information, configuration parameter information and reference descriptor locations information from the respective table, and assembling all of said information so that a report on such information may be generated for one or more of said units.

76. With the Accused Product, Defendant performs a method of assembling information contained in a relational database concerning a plurality of units, each of which may exist in different configurations from which reports may be generated, wherein said database comprises a parts list lookup table that contains parts list information, at least one additional first lookup table that contains configuration parameters information for a plurality of different configurations of said units, and a unit parts list storage table that contains reference descriptor locations information for said parts comprising accessing said parts list information, configuration parameter information and reference descriptor locations information from the respective table and, a pair of configuration management storage table, wherein said pair of configuration

management storage tables are linked together, one of said configuration management storage tables of said pair of linked configuration management storage tables being a configuration management status table and the other being a configuration management memo table comprising.

77. With the Accused Product, Defendant performs the operation of accessing both of said linked configuration management storage tables by using a first index key, which defines a group of configuration management records for a part definition, location definition or unit definition, and a second configuration management index key which defines the current configuration management records for a part definition, location definition, or unit location; and

78. With the Accused Product, Defendant performs the operation accessing said parts list information, configuration parameter information and reference descriptor locations information from the respective table, and assembling all of said information so that a report on such information may be generated for one or more of said units.

79. BCS has been damaged by Defendant's infringement of the '535 Patent.

#### **PRAYER FOR RELIEF**

WHEREFORE, BCS respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '179, '296, and '535 Patents;
2. awarding BCS its damages suffered as a result of Defendant's infringement of the '179, '296, and '535 Patents;
3. awarding BCS its costs, attorneys' fees, expenses, and interest; and
4. granting BCS such further relief as the Court finds appropriate.

**JURY DEMAND**

BCS demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: August 27, 2020

Respectfully Submitted

/s/ Raymond W. Mort, III

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